

SUPPORTING STATEMENT
(Name)
OMB CONTROL NO. 0648-xxxx

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

At its August 2018 meeting, the Inter-American Tropical Tuna Commission (IATTC) adopted Resolutions C-18-01 (Measures for the Conservation and Management of Pacific Bluefin Tuna in the Eastern Pacific Ocean, 2019 and 2020) and C-18-02 (Amendment to Resolution C-16-08 on a Long-term Management Framework for the Conservation and Management of Pacific Bluefin Tuna in the Eastern Pacific Ocean) on Pacific bluefin tuna (PBF). The National Marine Fisheries Service (NMFS) West Coast Region (WCR) is preparing a proposed rule under the Tuna Conventions Act of 1950 (TCA) to implement these two Resolutions. This proposed rule would ensure that the United States meets its international obligations.

Resolution C-18-01 maintains commercial catch limits from the previous IATTC Resolution (C-16-08), which applied to 2017 and 2018. These catch limits are consistent with IATTC Scientific Staff recommendations, as well as stakeholder recommendations to the U.S. Delegation to the IATTC. Resolution C-18-01 also includes provisions such that over- or under-harvest of previous biennial catch limits (under Resolution C-16-08) is applied to the new catch limits. Resolution C-18-02 describes the framework for these under- and over-harvest provisions.

The proposed rule would implement catch and trip limits for 2019 and 2020 for U.S. commercial vessels that catch PBF in the eastern Pacific Ocean (EPO). The biennial catch limit for both years combined is 630 metric tons (mt), which includes the addition of 30 mt resulting from over- or under-harvest of the previous catch limit for 2017-2018, combined. Catch may not exceed 425 mt in a single year. The annual limit in 2020 will be calculated based on the biennial catch limit, the 2019 catch, and the 425-mt single-year limit established in C-18-01.

NMFS would also impose trip limits to manage the annual limits. In 2019 and 2020, NMFS would impose a 15 mt trip limit until catch is within 50 mt of the annual limit, at which time NMFS would impose a 2 mt trip limit through the end of the year, or until the fishery is closed. However, if the annual limit in 2020 is 125 mt or less, the trip limit will be 2 mt for the entire calendar year, or until the fishery is closed. To monitor and manage the trip and catch limits, NMFS is proposing reporting requirements that serve as the basis of this collection of information.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Electronic landing receipt (E-ticket): To monitor catch limits, NMFS would impose electronic landing receipt (e-ticket) submission timeline requirements and a pre-trip notification applicable to U.S. commercial fishing vessels fishing. Submittal of E-tickets, as required under California

Code of Regulations (Title 14, §197), that include PBF sales would be required within 24 hours. This California Code of Regulations requires submission of E-tickets within 3 business days. However, this proposed rule would establish an advanced timeline of 24 hours.

Pre-trip notification: If the trip limit is 15 mt, purse seine vessels fishing in the U.S. West Coast EEZ would be required to provide NMFS with a notice of intent to depart on a fishing trip which may result in landing more than 2 mt of PBF. The vessel would not be allowed to land more than 2 mt of PBF during the period in which the trip limit is 15 mt if the pre-trip notification is not received. Vessel operators would be required to provide this pre-trip notification at least 24 hours in advance of the fishing trip. The pre-trip notification requirements would include: the vessel owner's or operator's name, contact information, vessel name, port of departure, and the intended date of departure for this trip. NMFS will use the contact information provided in the pre-trip notification to notify purse seine vessel owners or operators if an in-season action (i.e., reduction in trip limit or fishery closure) is expected. The pre-trip notification would be completed by sending an email to pbf.notifications@noaa.gov. A reply will be sent automatically to the vessel operator to confirm receipt of the pre-trip notification.

The pre-trip notification will assist NMFS in tracking catch to manage the trip limits and fishery closure requirements in this proposed rule. For the purposes of tracking catch of PBF, NMFS will assume that 15 metric tons of PBF will be caught on every trip noticed. In each year, this catch accounting will be used to estimate when catch is expected to reach either the threshold to reduce the trip limit (i.e., within 50 mt of the annual limit) or the annual limit. NMFS would then make decisions on in-season actions based on those estimates.

Voluntary pre-landing notification: NMFS would encourage owners or operators of purse seine vessels fishing in the U.S. West Coast EEZ to call NMFS at 562-432-1850 in advance of landing with an estimate of how much PBF was caught on the trip.

NMFS would ensure that public dissemination of any information obtained from e-tickets, pre-trip notifications, or calls prior to landing accords with NMFS confidentiality standards. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of the information technology.

E-ticket: Submission of E-tickets requires the use of an electronic system established and administered by the Pacific States Marine Fisheries Commission and California Department of Fish and Wildlife. As mentioned above (see question 2), the California Code of Federal Regulations will require E-tickets for all fisheries by July 1, 2019, and NMFS would only impose an advanced timeline for submission.

Pre-trip notification: The pre-trip notification will be communicated to NMFS via e-mail, therefore it will require use of electronic technology to complete the notification.

Voluntary pre-landing notification: This notification will be communicated to NMFS via telephone, therefore it may require the use of electronic technology (e.g., cellular phone) to

complete the notification.

4. Describe efforts to identify duplication.

E-tickets: The E-ticket submission is already required by California Department of Fish and Wildlife, and although NMFS is proposing to require that the submission timeline be advanced, it is not duplicating the e-tickets that must be submitted by the fish buyers.

Pre-trip notification: Vessel monitoring systems (VMS) are required on vessels greater than 24 meters in length overall (50 CFR 300.26) and EMTUs on vessels of any size that will fish on the high seas (50 CFR 300.337). To comply with the requirements of the VMS and EMTUs, vessels are required to also provide a pre-trip declaration to notify the NOAA Office of Law Enforcement and activate VMS or EMTUs. These pre-trip declarations contain duplicate information with what is requested in the subject pre-trip notification. However, the pre-trip notification, including any duplicate information, will be communicated to the West Coast Region Highly Migratory Species Branch. Some vessels which are required to provide the pre-trip notification prior to trips which may result in landing of PBF may also be required to provide NOAA Office of Law Enforcement with a pre-trip declaration.

Voluntary pre-landing notification: Similar requirements do not already exist for the PBF fishery.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The collection of information involves small entities. All impacted businesses are small entities. The e-ticket requirement for landing receipts with PBF sales would not be an additional requirement, but an existing requirement on an advanced timeline. It is not expected that this would place an additional burden on the businesses.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Both the E-ticket submission and the pre-trip notification are intended to assist NMFS in monitoring catch to take appropriate in-season action when necessary. Otherwise, NMFS may again be unable to act quickly to reduce trip limits or close the fishery. The voluntary landing notification would also provide additional details about catch to date to assist in managing the catch and trip limits.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection is consistent with OMB guidelines.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain

their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

On December 27, 2018, NMFS published a proposed rule (0648-BI36) to implement Resolutions C-18-01 and C-18-02, followed by a 30-day public comment period (83 FR 66665). NMFS later reopened the public comment period for an additional 15 days (84 FR 4758, February 19, 2019). The proposed rule included a 2019 annual limit of 300 mt and a 48-hour pre-trip notification; only the pre-trip notification is subject to PRA. Commenters expressed concern that a pre-trip notification, whether 48 or 24 hours, would be too burdensome because fishermen often make the decision to target PBF much more quickly. In response to those comments and the Pacific Fishery Management Council November 2018 recommendation, NMFS would implement a 24-hour pre-trip notification. A decrease in the time required before a trip to submit a pre-trip notification would provide greater flexibility to the fleet. The reduced time requirement for pre-trip notifications will improve flexibility by allowing vessel operators to plan trips targeting PBF a minimum of one day in advance, rather than two. However, the pre-trip notification was not entirely removed from the final rule because it is expected to further effective management of in-season actions. This is particularly important to ensure the United States does not exceed the internationally-agreed annual limit of 425 mt. NMFS expects that the new catch monitoring (i.e., pre-trip notification and 24-hour e-ticket submission) and in-season action procedures will allow NMFS to effectively manage a catch limit of 425 mt and avoid exceeding the limit as occurred in 2017.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are involved in this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

NMFS will only publicly disclose catch in accordance with confidentiality rules under the Magnuson-Stevens Fishery Conservation and Management Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are asked.

12. Provide an estimate in hours of the burden of the collection of information.

E-ticket: The e-ticket submission is an existing requirement under California Code of Regulations and managed by the California Department of Fish and Wildlife.

Pre-trip notification: It is estimated that the pre-trip notification will take 5 minutes for each notice. In 2018, there are 17 small coastal purse seine vessels authorized to fish for tuna. From 2008-2017, the average annual number of small coastal purse seine trips that resulted in landing

of PBF was 3. Although it is not expected all 17 vessels that are authorized will fish for tuna, the burden estimate for pre-trip notifications is derived as follows:

17 vessels / 1 year = 17 respondents

17 respondents x 3 landings a year = 51 responses

51 responses x 5 minutes per response = 255 minutes = 4.25 (4) burden hours

Voluntary pre-landing notification: The estimated number of respondents and responses is the same as the estimate for the pre-trip notification, but differs in the estimated time per response:

17 vessels / 1 year = 17 respondents

17 respondents x 3 landings a year = 51 responses

51 responses x 3 minutes per response = 153 minutes = 2.55 (3) burden hours

Total annual responses: 102; total annual hours: 7.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

E-ticket submission: E-tickets will be collected by the California Department of Fish and Wildlife; there is no annual cost burden.

Pre-trip notification: There will be no additional cost burden for respondents. All respondents are assumed to have access to email.

Voluntary pre-landing notification: All respondents are assumed to have access to a telephone. Should respondents call NMFS prior to landing, the annual cost burden is expected to be \$0.25 per phone call, or a total of \$12.75 (51 responses x \$0.25).

Total recordkeeping/reporting cost: \$12.75.

14. Provide estimates of annualized cost to the Federal government.

E-tickets will be submitted to the California Department of Fish and Wildlife, vessel operators or owners, and PacFIN. NMFS has one full-time employee who is dedicated to monitoring pre-trip notifications for no more than 4.25 hours (see Question 12) with an annual labor cost of \$69.28. The estimated cost of the total program is \$142.00 a year.

15. Explain the reasons for any program changes or adjustments.

This is a new program.

16. For collections whose results will be published, outline the plans for tabulation and publication.

NMFS will publish the cumulative sum of all PBF landings on the NMFS West Coast Region website or in in-season action notices. This sum will be based on landing receipts and estimates

derived from the pre-trip notification. However, NMFS will ensure that confidential information is not disclosed.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.